

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

HAROLD EDWARDS,

Case No. 2:21-cv-00539-GMN-EJY

Plaintiff,

ORDER

V.

HUTCHINGS, *et al.*,

Defendants.

I. DISCUSSION

On April 2, 2021, Plaintiff, an inmate in the custody of the Nevada Department of Corrections (“NDOC”), filed an application to proceed *in forma pauperis* together with a civil rights complaint under 42 U.S.C. § 1983. (ECF Nos. 1, 1-1). Plaintiff’s application to proceed *in forma pauperis* is incomplete. Plaintiff has not submitted a Financial Certificate (page 4 of this Court’s approved form) and an inmate account statement for the previous six-month period.

Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, an inmate seeking to commence a civil action in this Court may apply to proceed *in forma pauperis*, which allows the inmate to file the civil action without prepaying the full \$402 filing fee. To apply for *in forma pauperis* status, the inmate must submit all three of the following documents to the Court:

- (1) a completed **Application to Proceed in Forma Pauperis for Inmate**, on this Court's approved form (i.e. pages 1 through 3 with the inmate's two signatures on page 3),
- (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail official (i.e. page 4 of this Court's approved form), and
- (3) a copy of the **inmate's prison or jail trust fund account statement for the previous six-month period**

If Plaintiff has not been at the facility a full six-month period, Plaintiff must still submit an inmate account statement for the dates he has been present at the facility.

1 Accordingly, the Court denies Plaintiff's application to proceed *in forma pauperis* (ECF No.
2 1) without prejudice because the application is incomplete. The Court grants Plaintiff a one-time
3 extension to file a fully complete application to proceed *in forma pauperis* containing all three of
4 the required documents. Plaintiff must file a fully complete application to proceed *in forma pauperis*
5 on or before **June 4, 2021**. Absent unusual circumstances, the Court will not grant any further
6 extensions of time. If Plaintiff is unable to file a fully complete application to proceed *in forma*
7 *pauperis* with all three required documents on or before **June 4, 2021**, the Court will recommend
8 this case be dismissed without prejudice for Plaintiff to file a new case with the Court when Plaintiff
9 is able to acquire all three of the documents needed to file a fully complete application to proceed *in*
10 *forma pauperis* or pays the full \$402 filing fee.

11 A dismissal without prejudice means Plaintiff does not give up the right to refile the case
12 with the Court, under a new case number, when Plaintiff has all three documents needed to submit
13 with the application to proceed *in forma pauperis*. Alternatively, Plaintiff may choose not to file an
14 application to proceed *in forma pauperis* and instead pay the full filing fee of \$402 on or before **June**
15 **4, 2021** to proceed with this case.

16 The Court will retain Plaintiff's civil rights complaint (ECF No. 1-1), but the Court will not
17 file the complaint unless and until Plaintiff timely files a fully complete application to proceed *in*
18 *forma pauperis* with all three documents or pays the full \$402 filing fee.

19 **II. ORDER**

20 Accordingly, IT IS HEREBY ORDERED that Plaintiff's application to proceed *in forma*
21 *pauperis* (ECF No. 1) is denied without prejudice. Plaintiff may file a new fully complete
22 application to proceed *in forma pauperis* that includes all three documents by **June 4, 2021**.

23 IT IS FURTHER ORDERED that the Clerk of the Court shall send Plaintiff the approved
24 form application to proceed *in forma pauperis* by an inmate, as well as the document entitled
25 information and instructions for filing an *in forma pauperis* application.

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1 IT IS FURTHER ORDERED that on or before **June 4, 2021**, Plaintiff shall either pay the
2 full \$402 filing fee for a civil action (which includes the \$350 filing fee and the \$52 administrative
3 fee) or file with the Court:

4 (1) a completed **Application to Proceed in Forma Pauperis for Inmate** on this Court's
5 approved form (i.e. pages 1 through 3 of the form with the inmate's two signatures on page
6 3),
7 (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail official
8 (i.e. page 4 of this Court's approved form), and
9 (3) a copy of the **inmate's prison or jail trust fund account statement for the previous**
10 **six-month period.**

11 IT IS FURTHER ORDERED that, if Plaintiff does not file a fully complete application to
12 proceed *in forma pauperis* with all three documents or pay the full \$402 filing fee for a civil action
13 on or before **June 4, 2021**, the Court will recommend dismissal without prejudice for Plaintiff to
14 refile the case with the Court, under a new case number, when Plaintiff has all three documents
15 needed to file a complete application to proceed *in forma pauperis* or pays the the full \$402 filing
16 fee.

17 IT IS FURTHER ORDERED that the Clerk of the Court shall retain the complaint (ECF
18 No.1-1) but will not file it at this time.

19 Dated this 6th day of April, 2021.

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21 Elayna J. Youchah
22 ELAYNA J. YOUCRAH
23 UNITED STATES MAGISTRATE JUDGE
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